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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/802,163

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Christopher Keith

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10/10/2006

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/802,163

Applicant(s)

KEITH, CHRISTOPHER

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-7 remained pending.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, are rejected under 35 U.S.C. 102(e) as being anticipated by Madoff et al (Hereinafter Madoff U.S Publication 2001/0044767).

As per claim 1, Madoff discloses a method of facilitating trading, comprising: satisfying a condition at a market participant in which the market includes the market participant and market participants, and .("i. e, market price" see column 1 lines 0006-0007") and automatically at a market participant's computer(i. e, "displays order") receiving a new contra-side(see column 6 paragraph 0058-0059) best market price in advance of the other market participants while the condition at the market is satisfied.(Note abstract and see column 6 paragraph 0055-0057 and 062).

As per claim 2, , Madoff discloses, wherein the satisfying and receiving are performed by a trading process.(see column 6 paragraph 0055-0057 and 062).

As per claim 3, Madoff discloses, wherein the condition is providing the best market price for a side of the market. (see column 6 paragraph 0055-0057 and 062).

#### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 4-5 and 7, are rejected under 35 U.S.C. 102(a) as being anticipated by Streamer free real time stock quote service (Hereinafter Streamer, and [www.datek.com](http://www.datek.com), [www.findarticles.com/m4PRN/1999/NOV](http://www.findarticles.com/m4PRN/1999/NOV)).

As per claim 4, Streamer discloses a method of facilitating trading, comprising: automatically via a computer notifying a selected party of a new contra-side best market price, and wherein the selected party is a market party is a market participant participating in a market with other markets participants and automatically via a computer notifying other market participants of the new contra-side best market price after a predetermined time from when the selected party was notified of the new contra side best price.(see page 1 and 2).

As per claim 7, Streamer discloses, further comprising checking a recently posted price to determine if the recently posted price is a new contra-side best market price. (see page 1 and 2).

As per claim 5, Streamer discloses, wherein the selected party is a provider of a best market price for a side of the market. (see page 1 and 2).

5. Claim 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Streamer free real time stock quote service (Hereinafter Streamer, and [www.datek.com](http://www.datek.com), [www.findarticles.com/m4PRN/1999/NOV](http://www.findarticles.com/m4PRN/1999/NOV)).

As per claim 6, Streamer fail to explicitly teach further comprising checking the identity of the selected party before providing the best market price to the selected party.

However Streamer discloses that registered users being provided access to the system(see page 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Streamer would have consisted of a feature for identifying its registered from unregistered users in order to authenticate any user attempting to access the system.

As per claim 7, Streamer discloses, further comprising checking a recently posted price to determine if the recently posted price is a new contra-side best market price. (see page 1 and 2).

### **Conclusion**

#### **Response to Arguments**

6. Applicant's arguments files on 7/19/06 have been fully considered but they are moot in view of new grounds of rejections.

7. In response to Applicant's arguments pertaining to Madoff and streamer.

8. In response to Applicant's arguments that references fail to teach or suggest "claimed receiving, at a market participant's computer, a new contra-side best market price in advance of other market participants while the condition at the market is satisfied" these limitations are addressed by Madoff as follows, satisfying a condition at a market, and automatically at a market participant's computer receiving a new contra-side best market price in advance of other market participants while the condition at the market is satisfied. see column 6 paragraph 0055-0057 and 062.

It is inherently clear that the teachings of Madoff illustrates participant's can receive a new contra-side best market price in advance of other market participants while the condition at the condition at the market is satisfied.

8. In response to Applicant's arguments that references fail to teach or suggest "notifying other market participants of a new contra-side best market price after a predetermined time from when a selected party was notified of the new contra-side best market price" this limitation is addressed as follows Streamer discloses automatically via a computer notifying a selected party of a new contra-side best market price, and automatically via a computer notifying other market participants of the new contra-side best market price after a predetermined time from when the selected party was notified of the new contra side best price. see page 1 and 2.

It is inherently clear that the teachings of Streamer illustrates notifying other market participants of a new contra-side best market price after a predetermined time from when a selected party was notified of the new contra-side best market price.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

SEPT 20, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3628*